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September 25, 2020

VIA ECF

Honorable Paul G. Gardephe
Thurgood Marshall United States Courthouse, Courtroom 705
40 Foley Square
New York, NY 10007

**Re: *Michelo, et al. v. National Collegiate Student Loan Trust 2007-2, et al.*
Case No.: 1:18-cv-01781-PGG; and
Bifulco, et al. v. National Collegiate Student Loan Trust 2006-4, et al.
Case No.: 1:18-cv-07692-PGG**

Dear Judge Gardephe:

We represent Transworld Systems Inc. ("TSI") in the above-referenced consolidated action.

On September 23, 2020, plaintiffs filed a reply in support of their objections to Judge Moses's July 17, 2020 order. Dkt. 230 in Case No. 18-cv-01781. We write not to address the substance of the motion, but to correct two misstatements in plaintiffs' reply.

First, plaintiffs incorrectly suggest that the parties have treated the case as a nationwide class action. A fair reading of the class definition shows that the case was not pled as a nationwide class, and TSI has at no point agreed that nationwide discovery is appropriate.

Moreover, while FDCPA claims can be filed on behalf of purported nationwide classes, those cases are more typically in the context of an alleged improper letter, whereas, here plaintiffs allege that TSI submitted affidavits without personal knowledge in New York state courts through a New York law firm related to New York consumers, and predicate liability upon alleged violations of New York law.

Plaintiff's position that FDCPA classes are typically nationwide, and not limited at the state level or smaller is illogical, as liability under the FDCPA is limited to \$500,000 or 1% of a debt collector's net worth regardless of the number of class members, so they are typically filed as limited by a state to avoid dilution of potential class recovery.

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Second, TSI joins the Trust defendants’ rebuttal letter of September 24, 2020 [Dkt. 232] in response to plaintiffs’ statement that defendants have “no proof Plaintiff Tabar owed them any debt.” As will be shown at the appropriate time and motion, TSI has produced ample documentation showing that plaintiff Tabar did owe on the underlying account.

Thank you for your consideration.

Respectfully submitted,

/s/ James K. Schultz
Counsel for Transworld Systems Inc.

cc: All counsel of record (via ECF)